

SN. 10/646,590

ATTORNEY DOCKET No. FUJI:200A

REMARKS

Claims 34-37, 39-113, and 116-118 are now pending in this application for which applicants seek reconsideration.

Amendment

Claim 38 has been canceled since it is redundant. Claims 34-36, 39, 40, 44, 46, 58, 72, 78, and 84 have been amended. Claim 34 has been amended to depend from claim 37. Claims 34-36 have been amended to improve their form by replacing "the following equation" with --the expression--, as well as to include --or greater-- after "1.0" to overcome the § 112 rejection. Claims 39 and 46 have been amended to remove typographical errors, and claims 40 and 44 have been amended to depend from claim 34. Claim 58 has been amended to depend from claim 57, while incorporating the subject matter of claim 34. Finally, claims 72, 78, and 84 have been placed in independent form. No new matter has been introduced.

Non-Art Rejection

Claims 35 and 36 were rejected under 35 U.S.C. § 112, second paragraph, because the expression set forth in claim 34 is deemed closed ended. In this respect, claim 34 has been amended to place the expression in an opened ended form with respect to the upper range. Accordingly, it is proper to recite the expression as a higher value in the depending claims. The present amendment thus overcomes this rejection.

Allowable Claims

Claims 57, 59, 61, 63, 65, 67, 71, 74, 77, 80, 83, 86, 89, 92, and 95 have been allowed. Claims 58, 60, 62, 64, 66, 68, 72, 73¹, 78, 79, 84, 85, 93, and 94 have been indicated to be allowable if they are placed in independent form. As claims 72, 78, and 84 have been placed in

¹. The examiner inadvertently included this claim in the art rejection. Claim 73 contains the subject matter of allowable claim 72.

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independent form, claims 57-68, 71-74, 77-80, 83-86, 89, and 92-95 are now in condition for allowance.

Rejoinder of Withdrawn Claims

Claims 96-113 and 116-118 were withdrawn as directed to non-elected species. But since claim 57 has been allowed, all claims properly depending from it must be allowed. In this regard, claims 98, 101, 104, 107, 110, 113, and 118, which all depend from allowed claim 57, MUST be allowed.

Further, all of the withdrawn claims that depend from all other allowed or allowable claim must be allowed. In this regard, applicants respectfully request the examiner to rejoin all of the withdrawn claims that depend from any other allowed or allowable claims.

Art Rejection

Claims 34, 37-56, 69, 70, 75, 76, 81, 82, 87, 88, 90, and 91 were rejected under 35 U.S.C. § 102(b) as anticipated by Whight (USP 4,573,066). Applicants traverse this rejection with respect to claim 37 (and all other rejected claims depend therefrom) because Whight would not have taught the spacing set forth in claim 37.

Claim 37 cites that the spacing between the well region and the first guard ring nearest to the well region is 1 μm or less. In contrast the examiner's understanding, Whight explicitly discloses that the spacing d(1) between its well region 11 and its first guard ring 1 (nearest to the well region) is either 2 μm or 7 μm . Since the smallest spacing is 2 μm , which is twice the distance of the largest spacing set forth in claim 37, Whight would not have anticipated or taught claim 37. Accordingly, applicants urge the examiner to withdraw this rejection and allow all of the rejected claims and the withdrawn claims, which all depend from either claim 37 or allowed claim 57.

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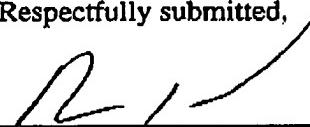
Terminal Disclaimer

Applicants concurrently submit a terminal disclaimer to overcome the double patent rejection based on co-pending application SN. 10/170,216.

Conclusion

Applicants submit that claims 34-37, 39-113, and 116-118 are in condition for allowance. and thus urge the examiner to issue an early Notice of Allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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